REMARKS

The Office Action mailed November 7, 2005, has been received and reviewed. Claims 1-44 are currently pending in the application, of which claims 1-24, 32, 35, and 36 are currently under examination. Claims 25-31, 33, 34, and 37-44 are withdrawn from consideration as being drawn to a non-elected invention. Applicants herein acknowledge the restriction requirement in the above-referenced application, and affirm the election to prosecute the claims of Group I, claims 1-24, 32, 35, and 36, without further traverse. Claims 1-24, 32, 35, and 36 stand rejected. Applicants have amended no claims, and respectfully request reconsideration of the application as presented herein.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 6,597,673 to Nobuyasu et al.

Claims 1, 4-6, 7, 8, 12-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nobuyasu et al. (U.S. Patent No. 6,597,673). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 4-6

Applicants submit that the Nobuyasu reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 1, and claims 4-7 depending therefrom, because the Nobuyasu reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action alleges:

> Regarding claim 1, Nobuyasu discloses a wireless communication system comprising: a first transceiver in (52, fig. 6), a second transceiver in (53, fig. 6), a third transceiver in (51, fig. 6) in communication with the first transceiver, and a controller (not shown) configured to effectuate a soft handoff from the first transceiver to the second transceiver using a set of optimum parameters (reads on soft handoff branches)

that are determined based on a current position of the third transceiver (col. 4 lines 32-57; col. 5 lines 47-52; col. 8 lines 25-53; col. 9 lines 12-51; col. 10 lines 30-46). (Office Action, p. 2).

Applicants respectfully disagree that the Nobuyasu reference anticipates Applicants' invention as claimed in independent claim 1 which reads:

> 1. A wireless communication system comprising:
> a first transceiver;
> a second transceiver;
> a third transceiver in communication with the first transceiver; and
> a *controller configured to effectuate a soft handoff* from the first transceiver to the second transceiver ***using a set of optimum parameters that are determined based on a current position of the third transceiver.*** (Emphasis added.)

In contrast, the Nobuyasu reference discloses providing to the mobile station a quantity of alternative handoff branches, one of which may be selected, for completing a soft handoff. Furthermore, the location of the mobile station determines the quantity of alternative soft handoff branches from which to select rather than Applicants' claimed invention of "effectuat[ing] a soft handoff ... using a set of optimum parameters that are determined based on a current position of the third transceiver." In short, the Nobuyasu reference discloses that the quantity of soft handoff choices (e.g., branches) is determined by the location of the mobile station and not optimum parameters as claimed by Applicants. Specifically, the Nobuyusa reference discloses:

> [Nobuyasu] controls the number of soft handoff branches allocated to each mobile station in a cell .... (Nobuyasu, col. 5, lines 38-39).
> In a case where the number of soft handoff branches differs depending upon the position of the mobile station, the maximum allowable number of soft handoff branches is adopted as the maximum number of soft handoff branches .... (Nobuyasu, col. 5, lines 48-51).
> The larger the number of soft handoff branches, the smaller the interference inflected upon other cells. ..., therefore, the number of soft handoff branches is large at the cell perimeter and is successively reduced as the center of the cell is approached. (Nobuyasu, col. 6, lines 1-5).

The Nobuyasu reference continues to disclose that the actual handoff process is not position based, but is signal strength based. The Nobuyasu reference discloses that the mobile station location is used only to determine when the mobile station is located in an acceptable handoff area. As disclosed in the Nobuyasu reference, the location of the mobile station is not used to "effectuate a soft handoff ... using a set of optimum parameters that are determined

based on a current position of the third transceiver" as claimed by Applicants. Specifically, the Nobuyusa reference continues to disclose:

> When the mobile station 51 in cell 54 moves and approaches the base station 53 while communicating with the base station 52 under these conditions, the strength (received electric filed strength) of a pilot signal from the base station 53 gradually increases. When the mobile station 51 penetrates a soft handoff area, the mobile station 51 reports this (sends a soft handoff request) to the base station controller 56 via the base station 52. As a result, the base station controller 56 performs soft handoff control in accordance with the system parameter from the system parameter setting unit 57. (Nobuyasu, col. 8, lines 43-51).

Clearly, the Nobuyasu reference discloses soft handoffs, however, the Nobuyasu reference does not disclose "a *controller configured to effectuate a soft handoff* from the first transceiver to the second transceiver ***using a set of optimum parameters that are determined based on a current position of the third transceiver***" as claimed by Applicants. Accordingly, the Nobuyasu reference cannot anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed.

Therefore, independent claim 1, and claims 4-6 depending therefrom, are not anticipated by the Nobuyasu reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

Claim 7

Applicants submit that the Nobuyasu reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 7 because the Nobuyasu reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action alleges:

> Regarding claim 7, Nobuyasu discloses a mobile unit comprising: a receiver in (51, fig. 6) configured to receive set of optimum system access parameters determined on a current position of the mobile unit (this is implied in as much as the reference teaches determining optimum system access parameters and soft handoff taking place between base stations), a controller (not shown) configured to control mobile unit based on the receive set of optimum system access-parameters (fig. 6 col. 8 lines 25-53; col. 9 lines 12-51; col. 10 lines 30-46). (Office Action, p. 3).

Applicants respectfully disagree that the Nobuyasu reference anticipates Applicants' invention as claimed in independent claim 7 which reads:

> 7. A mobile unit comprising:
> a receiver unit configured to receive ***a set of optimum system-access parameters determined based on a current position of the mobile unit***; and
> a controller configured ***to control*** the mobile unit ***based on*** the received ***set of optimum system-access parameters***. (Emphasis added.)

Applicants sustain the above-proffered arguments regarding the lack of disclosure in the Nobuyasu reference relating to "optimum system-access parameters determined based on a current position of the mobile unit" as claimed by Applicants. Again, the Nobuyasu reference discloses providing to the mobile station a quantity of alternative handoff branches, one of which may be selected, for completing a soft handoff. Furthermore, the location of the mobile station determines the quantity of alternative soft handoff branches to be selected from rather than Applicants' claimed invention of "optimum system-access parameters determined based on a current position of the mobile unit". As stated, the Nobuyasu reference discloses that the quantity of soft handoff choices (e.g., branches) is determined by the location of the mobile station and not optimum parameters as claimed by Applicants.

Clearly, the Nobuyasu reference discloses soft handoffs, however, the Nobuyasu reference does not disclose "A mobile unit comprising: a receiver unit configured to receive ***a set of optimum system-access parameters determined based on a current position of the mobile unit***; and a controller configured ***to control*** the mobile unit ***based on*** the received ***set of optimum system-access parameters***" as claimed by Applicants. Accordingly, the Nobuyasu reference cannot anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed.

Therefore, independent claim 7 is not anticipated by the Nobuyasu reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejection be withdrawn.

Claims 8, 12, 13

Applicants submit that the Nobuyasu reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 8 and claims 12 and 13 depending therefrom because the Nobuyasu reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action alleges:

> Regarding claim 8, Nobuyasu discloses a mobile unit comprising: a receiver in (51, fig. 6) configured to receive set of optimum system access parameters determined in a current position of the mobile unit (this is implied in as much as the reference teaches determining optimum system access parameters and soft handoff taking place between base stations), a controller (not shown) to effectuate a soft handoff from first base station (52, fig. 6) to a second base station (53, fig. 6) based on the received set of optimum soft-handoff parameters (fig. 6 col. 8 lines 25-53; col. 9 line 12-51; col. 10 lines 30-46). (Office Action, p. 3).

Applicants respectfully disagree that the Nobuyasu reference anticipates Applicants' invention as claimed in independent claim 8 which reads:

> 8. A mobile unit comprising:
> a receiver unit configured to receive ***a set of optimum soft-handoff parameters determined based on a current position of the mobile unit***; and
> a controller configured ***to effectuate a soft handoff*** from a first base station to a second base station ***based on*** the received ***set of optimum soft-handoff parameters***. (Emphasis added.)

Applicants sustain the above-proffered arguments regarding the lack of disclosure in the Nobuyasu reference relating to ***"a set of optimum soft-handoff parameters determined based on a current position of the mobile unit"*** as claimed by Applicants. Again, the Nobuyasu reference discloses providing to the mobile station a quantity of alternative handoff branches, one of which may be selected, for completing a soft handoff. Furthermore, the location of the mobile station determines the quantity of alternative soft handoff branches to be selected from rather than Applicants' claimed invention of ***"a set of optimum soft-handoff parameters determined based on a current position of the mobile unit"***. As stated, the Nobuyasu reference discloses that the **quantity** of soft handoff choices (e.g., branches) is determined by the location of the mobile station and not optimum parameters as claimed by Applicants.

Clearly, the Nobuyasu reference discloses soft handoffs, however, the Nobuyasu reference does not disclose "A mobile unit comprising: a receiver unit configured to receive ***a set of optimum soft-handoff parameters determined based on a current position of the mobile unit***; and a controller configured ***to effectuate a soft handoff*** from a first base station to a second base station ***based on*** the received ***set of optimum soft-handoff parameters***" as claimed by Applicants. Accordingly, the Nobuyasu reference cannot anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed.

Therefore, independent claim 8 and claims 12 and 13 depending therefrom are not anticipated by the Nobuyasu reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

Anticipation Rejection Based on U.S. Patent No. 6,594,243 to Huang et al.

Claims 14, 15, 17-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Huang et al. (U.S. Patent No. 6,594,243). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 14

Applicants submit that the Huang reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 14 because the Huang reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action alleges:

> Regarding claim 14, Huang discloses a base station comprising: a transmitter unit (35, fig. 2) configured to transmit set of optimum system-access parameters determined based on the current position of a mobile unit (12, fig. 1), and a controller (36, fig. 2) configured to control the mobile unit based on the set of optimum system access parameters (figs. 1-4, col. 37, line 38-col. 6, line 48; col. 9 lines 57-64). (Office Action, p. 4; emphasis added).

Applicants respectfully assert that the Huang reference only includes twelve columns, therefore, Applicants are unsure of the beginning of the citation of interest. However, Applicants respectfully disagree that the Huang reference anticipates Applicants' invention as claimed in independent claim 14 which reads:

> 14. A base station comprising:

> a transmitter unit configured to transmit ***a set of optimum system-access parameters determined based on a current position of a mobile unit***; and
> a controller configured ***to control*** the mobile unit ***based on the set of optimum system-access parameters***. (Emphasis added.)

In contrast, the Huang reference is wholly lacking any disclosure regarding mobile location or position. Specifically, Applicants identified only three recitations in the Huang reference that recites the term or concept of "location" or "position." Specifically, the Huang reference discloses:

> As a mobile station moves throughout the system, its **position** relative to the system base stations changes, such that an on-going call or other communication may need to be handed off from one base station to another, or from one antenna sector to another within a given base station. (Huang, col. 1, lines 24-28: emphasis added.)
> The system 10 also includes a memory 18 having a number of registers including a home **location** register (HLR) 20 and a visitor **location** register (VLR) 22. (Huang, col. 3, lines 60-63: emphasis added.)

Clearly, such disclosure of "location" and "position" concepts of the mobile station do not and cannot anticipate Applicants' invention as presently claimed of "A base station comprising: a transmitter unit configured to transmit ***a set of optimum system-access parameters determined based on a current position of a mobile unit***; and a controller configured ***to control*** the mobile unit ***based on the set of optimum system-access parameters***."

Furthermore, the Huang reference discloses handoff parameters and decisions that are signal strength based (see Huang col. 6, lines 5-47) rather than "current position of a mobile unit" based. In fact, the Huang reference does not disclose in sufficient detail the calculation of "optimum system-access parameters" or the like, nor is there any disclosure relating to any such parameters being "***determined based on a current position of a mobile unit***" as claimed by Applicants.

Clearly, the Huang reference discloses soft handoffs, however, the Huang reference does not disclose "A base station comprising: a transmitter unit configured to transmit ***a set of optimum system-access parameters determined based on a current position of a mobile unit***; and a controller configured ***to control*** the mobile unit ***based on the set of optimum system-access parameters***." as claimed by Applicants. Accordingly, the Huang reference cannot anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed.

Therefore, independent claim 14 is not anticipated by the Huang reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

Claims 15, 17-22

Applicants submit that the Huang reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 15 and claims 17-22 depending therefrom because the Huang reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action alleges:

> Regarding claim 15, Huang discloses a base station comprising: a transmitter unit (35, fig. 2) configured to transmit to the mobile unit (12, fig. 1) a set off optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area (fig. 1) and a controller 36, fig. 2) configured to effectuate a soft handoff from the first coverage area to a second coverage area based on the set of optimum soft-handoff parameters (figs. 1-4, col. 37, line 38-col. 6, line 48; coll. 9 lines 57-64). (Office Action, p. 4; emphasis added).

Applicants respectfully assert that the Huang reference only includes twelve columns, therefore, Applicants are unsure of the beginning of the citation of interest. However, Applicants respectfully disagree that the Huang reference anticipates Applicants' invention as claimed in independent claim 15 which reads:

> 15. A base station comprising:
> a transmitter unit configured to transmit to the mobile unit ***a set of optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area***; and
> a controller configured ***to effectuate a soft handoff*** from the first coverage area to a second coverage area ***based on the set of optimum soft-handoff parameters***. (Emphasis added.)

As stated, the Huang reference is wholly lacking any disclosure regarding mobile location or position. Specifically and as previously stated, Applicants identified only three recitations in the Huang reference that recites the term or concept of "location" or "position." Specifically, the Huang reference discloses:

> As a mobile station moves throughout the system, its **position** relative to the system base stations changes, such that an on-going call or other communication may need to be handed off from one base station to

another, or from one antenna sector to another within a given base station. (Huang, col. 1, lines 24-28: emphasis added.)

The system 10 also includes a memory 18 having a number of registers including a home **location** register (HLR) 20 and a visitor **location** register (VLR) 22. (Huang, col. 3, lines 60-63: emphasis added.)

Clearly, such disclosure of "location" and "position" concepts of the mobile station do not and cannot anticipate Applicants' invention as presently claimed of "A base station comprising: a transmitter unit configured to transmit to the mobile unit ***a set of optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area***; and a controller configured ***to effectuate a soft handoff*** from the first coverage area to a second coverage area ***based on the set of optimum soft-handoff parameters***."

Furthermore, the Huang reference discloses handoff parameters and decisions that are signal strength based (see Huang col. 6, lines 5-47) rather than "current position of the mobile unit" based. In fact, the Huang reference does not disclose in sufficient detail the calculation of "optimum soft-handoff parameters" or the like, nor is there any disclosure relating to any such parameters being "***determined based on a current position of a mobile unit***" as claimed by Applicants. Accordingly, the Huang reference cannot anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed.

Therefore, independent claim 15 is not anticipated by the Huang reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 6,594,243 to Huang et al. and U.S. Patent No. 6,611,688 to Raith

Claims 16, 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang et al. (U.S. Patent No. 6,594,243) in view of Raith (U.S. Patent No. 6,611,688). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or**

references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 16, 23-24 are improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claim limitations.

Claims 16, 23, 24

Regarding dependent claim 16 depending from independent claim 15, independent claim 23, and dependent claim 24 depending therefrom, Applicants submit that the Huang reference and the Raith reference, either individually or in any proper combination, cannot render obvious under 35 U.S.C. §103 Applicants' invention as presently claimed.

The Office Action alleges:

> Huang differs from claims 16 and 23 in that he does not explicitly teach the following: controller further configured to determine the current position of the mobile unit in the first coverage area.
>
> However, Raith discloses position reporting method for a mobile terminal which teaches the following: controller further configured to determine the current position of the mobile unit in the first coverage area (col. 5 lines 13-21). (Office Action, p. 5).

For the sake of argument, even assuming the Raith reference teaches or suggests, as alleged by the Office Action:

> a "position reporting method for a mobile terminal which teaches the following: controller further configured to determine the current position of the mobile unit in the first coverage area",

Applicants sustain the above-proffered argument regarding the lack of teaching or suggestion in the Huang reference in view of the newly cited Raith reference relating to Applicants' claimed invention as recited in:

> (i) independent claim 15 (from which claim 16 depends) of "A base station comprising: a transmitter unit configured to transmit to the mobile unit ***a set of optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area***; and a controller configured ***to effectuate a soft handoff*** from the first coverage area to a second coverage area ***based on the set of optimum soft-handoff parameters***" and

(ii) independent claim 23 and claim 24 depending therefrom of "A method for effectuating soft handoff, comprising: determining a current position of a mobile unit in a first coverage area; ***determining a set of optimum parameters based on the current position of the mobile unit***; and ***effectuating a soft handoff*** from the first coverage area to a second coverage area ***using the set of optimum parameters***."

Therefore, since neither the Huang reference nor the Raith reference teach or suggest Applicants' claimed invention including "***a set of optimum [] parameters [] based on [a] current position of the mobile unit***" these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in dependent claim 16, independent claim 23, and claim 24 depending therefrom. Accordingly, Applicants respectfully request the rejections of dependent claim 16, independent claim 23, and claim 24 depending therefrom be withdrawn.

Obviousness Rejection Based on U.S. Patent No. 6,597,673 to Nobuyasu et al. and U.S. Patent No. 6,447,379 to Kingdom

Claims 2-3, 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nobuyasu et al. (U.S. Patent No. 6,597,673) in view of Kingdom (U.S. Patent No. 6,447,379). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claims 2-3 which depend therefrom and the nonobviousness of independent claim 8 precludes a rejection of claims 9-11 which depend therefrom, because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to claims 2-3 and 9-11.

Obviousness Rejection Based on U.S. Patent No. 6,594,243 to Huang et al. and U.S. Patent No. 5,945,948 to Buford et al.

Claims 32, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang et al. (U.S. Patent No. 6,594,243) in view of Buford et al. (U.S. Patent No. 5,945,948). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references

> themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 32, 35, 36 are improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claim limitations.

Claims 32, 35, 36

Regarding independent claims 32, 35, and 36, Applicants submit that the Huang reference and the Buford reference, either individually or in any proper combination, cannot render obvious under 35 U.S.C. §103 Applicants' invention as presently claimed.

The Office Action alleges:

> Huang differs from claims 32, 35, 36 in that he does not explicitly teach the following: a memory unit and a digital signal processing (DSP) unit communicatively coupled to the memory unit, the DSP being capable of determining a current position of mobile unit in a first coverage area.
>
> However, Buford teaches the following: a memory unit in (350, fig. 5) and a digital signal processing (DSP) unit (310, 320, 330, fig. 5) communicatively coupled to the memory unit, the DSP being capable of determining a current position of mobile unit in a first coverage area (figs. 5, 7; claim 1). (Office Action, p. 7).

For the sake of argument, even assuming the Buford reference teaches or suggests, as alleged by the Office Action:

> "a memory unit in [] and a digital signal processing (DSP) unit [] communicatively coupled to the memory unit, the DSP being capable of determining a current position of mobile unit in a first coverage area []",

Applicants sustain the above-proffered argument regarding the lack of teaching or suggestion in the Huang reference in view of the newly cited Buford reference relating to Applicants' claimed invention as recited in:

> (i) independent claim 32 of "A computer readable medium embodying a method for effectuating soft handoff, the method comprising: determining a current position of a mobile unit in a first coverage area; ***determining a set of optimum***

parameters based on the current position of the mobile unit; and effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters."

(ii) independent claim 35 of "An apparatus for effectuating soft handoff, comprising: means for determining a current position of a mobile unit in a first coverage area; means for ***determining a set of optimum parameters based on the current position of the mobile unit; and means for effectuating a soft handoff*** from the first coverage area to a second coverage area ***using the set of optimum parameters.***"

(iii) independent claim 36 of "An apparatus for effectuating soft handoff, comprising: a memory unit; and a digital signal processing (DSP) unit communicatively coupled to the memory unit, the DSP being capable of: determining a current position of a mobile unit in a first coverage area; ***determining a set of optimum parameters based on the current position of the mobile unit***; and ***effectuating a soft handoff*** from the first coverage area to a second coverage area ***using the set of optimum parameters.***"

Therefore, since neither the Huang reference nor the Buford reference teach or suggest Applicants' claimed invention including "***a set of optimum [] parameters [] based on [a] current position of the mobile unit***", these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in independent claims 32, 35, and 36. Accordingly, Applicants respectfully request the rejections of independent claims 32, 35, and 36 be withdrawn.

CONCLUSION

Claims 1-24, 32, 35, and 36 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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By: Ramin Mobarhan

Ramin Mobarhan, Reg. No. 50,182
(858) 658-2447

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4132
Facsimile: (858) 658-2502